

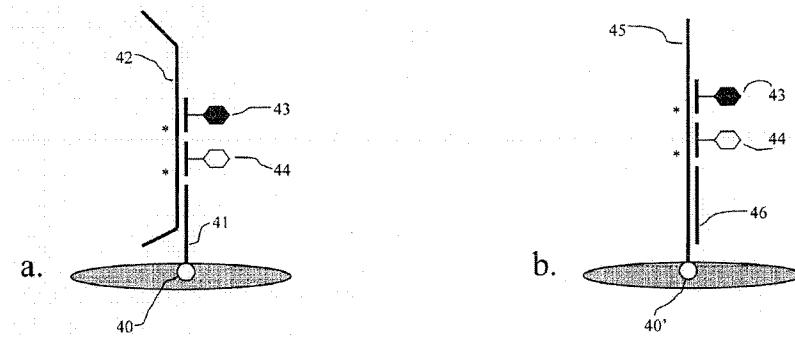
REMARKS

Reconsideration of the rejections set forth in the Office Action mailed on April 10, 2007, is respectfully requested. Claims 17 and 27 have been canceled without prejudice. Claim 1 has been amended. Support for this amendment can be found in the specification at, e.g., Figures 1-7 and page 43, line 3 - page 45, line 20. Therefore, no new matter has been added with this amendment. Claims 1, 6-14, 18-23, and 25 remain pending.

Art Rejections

Claims 1, 5-9, 17-20, 22, 23, 25, and 27 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Nerenberg et al. (US 2001/0014449 A1) in view of Lannuzzi et al. (Am. J. Hum. Genet., 48, 227-231, 1991).

Applicants have amended claim 1 to include the steps of “*providing an unlabeled blocker that is complementary to the first locus containing the first polymorphism related to the genetic disease*” and “*hybridizing the unlabeled blocker with the first locus, wherein the second locus is unblocked.*” (emphasis added) The Examiner has taken the position that Nerenberg describes “providing a blocker (ie., the first reporter oligonucleotide in claim 38 such as reporter probe 43 in Figure 42) that is complementary to the first locus containing the first polymorphism (ie., the region of the target nucleic acid of interest such as amplicon 42 that is complementary to the first reporter oligonucleotide)”. Applicants respectfully assert that Nerenberg does not teach or suggest the steps of “*providing an unlabeled blocker that is complementary to the first locus containing the first polymorphism related to the genetic disease*” and “*hybridizing the unlabeled blocker with the first locus, wherein the second locus is unblocked.*” (emphasis added) In contrast to the claims, Nerenberg teaches that “two reporter probes 43 and 44 are hybridized to detect the presence of at least two SNPs.” (Col. 21, lines 59-60) As seen in Fig. 4 reproduced below, both reporter probes are labeled with a fluorophore.



(See also Col. 7, lines 49-57 “For example, where two SNPs are closely spaced, at least two short reporter oligonucleotides may be base-stacked against a longer stabilizer oligonucleotide. Each reporter may be labeled with a different fluorophore specific for the allele that occurs at each site. For instance, if a locus has two SNPs in close proximity to one another, reporter probes incorporating the wild-type and mutant bases of each SNP site, each containing a different fluorophore may be used to determine which allele is present.”) Therefore, Nerenberg does not teach or suggest all of the limitations of the claim 1 as amended.

Claims 6-9, 18-20, 22-23, and 25 depend from claim 1 and are patentably distinct for the same reasons as applicable to claim 1. Therefore, Applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant’s undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

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Respectfully submitted,
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